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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,494	08/29/2001	Jose Arnau	CM 2057M	8081
27752	7590	03/10/2004	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			DOUYON, LORNA M	
			ART UNIT	PAPER NUMBER
			1751	
DATE MAILED: 03/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,494

Applicant(s)

ARNAU ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on December 3, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 17-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-21 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the amendment filed on December 3, 2003.
2. Claims 17-21, 23-30 are pending.
3. The objection to the abstract of the disclosure is withdrawn in view of applicants' amendment.
4. The objection to the disclosure on pages 4 and 15 is withdrawn in view of applicants' amendment.
5. The objection to claim 22 is withdrawn in view of applicants' amendment.
6. The rejection of claims 19, 21 and 23 under 35 USC 112, second paragraph is withdrawn in view of applicants' amendment.
7. Claim 17 stands rejected under 35 USC 102(b) as being anticipated by Ridley (US Patent No. 4,678,593) for the reasons set forth in the first office action. In addition, even though Ridley does not explicitly disclose the soap bar being substantially free of Schiff base perfume, it would be inherent in the soap bar of Ridley to comprise perfume which is substantially free of Schiff base because the soap bar of Ridley is transparent, hence, does not have the discoloring effects of Schiff base perfumes.

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8. Claims 17-20 and 23-30 stand rejected under 35 USC 103(a) as being unpatentable over Salager et al. (EP 0,846,756), hereinafter "Salager" for the reasons set forth in the first office action.

9. Claim 21 stands rejected under 35 USC 103(a) as being unpatentable over Salager as applied to the above claims and further in view of Creed (US Patent No. 6,007,735) for the reasons set forth in the first office action.

Double Patenting

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 17-21, 23-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,630,438.

Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are drawn to similar perfumed detergent tablets having similar ingredients with overlapping proportions of the Schiff base. Modification of the proportions of the Schiff base is within the level of ordinary skill in the art.

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Response to Arguments

12. Applicant's arguments filed December 3, 2003 have been fully considered but they are not persuasive.

With respect to the rejection based upon Ridley, Applicants argue that Ridley teaches "conventional" perfumes at col. 4, line 59 and that Ridley does not teach the use of perfumes which are free of Schiff bases.

The Examiner respectfully disagrees with the above argument because the "conventional" perfumes of Ridley would have encompassed all types of perfumes including the Schiff bases. However, since one kind of soap bar of Ridley is in transparent form (with no discoloring), the perfumes used should have been free of Schiff bases.

With respect to the rejection based upon Salager, Applicants argue that there is nothing in Salager which relates to the problem of clay/perfume interaction, much less a suggestion that Schiff bases are the source of the problem.

The Examiner respectfully disagrees with the above argument because the perfumes of Salager are those perfumes that are commonly used in detergents (see page 9, lines 51-53), hence would have included perfumes that are free of Schiff bases.

With respect to the rejection based upon Salager in view of Creed, Applicants argue that there is no suggestion in the combination of references which exclude Schiff bases.

The response to Salager above applies here as well. Hence, the combination of Salager and Creed is maintained.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313.

The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lorna M. Douyon
Primary Examiner
Art Unit 1751